

Attorney or Party Name, Address, Telephone & FAX Nos., State Bar No. & Email Address Baruch C. Cohen, Esq. (SBN 159455) LAW OFFICE OF BARUCH C. COHEN A Professional Law Corporation 4929 Wilshire Boulevard, Suite 940 Los Angeles, California 90010 Tel: (323) 937-4501 Fax: (888) 316-6107 email: baruchcohen@baruchcohenesq.com	FOR COURT USE ONLY
<input type="checkbox"/> Individual appearing without attorney <input checked="" type="checkbox"/> Attorney for: Plaintiff David Berger	
UNITED STATES BANKRUPTCY COURT CENTRAL DISTRICT OF CALIFORNIA - LOS ANGELES DIVISION	
In re: LESLIE KLEIN <div style="text-align: right;">Debtor(s).</div>	CASE NO.: 2:23-bk-10990-SK ADVERSARY NO.: 2:23-ap-01169-SK CHAPTER: 7
DAVID BERGER <div style="text-align: right;">Plaintiff(s).</div> <div style="text-align: center; margin-top: 10px;">vs.</div> LESLIE KLEIN <div style="text-align: right;">Defendant(s).</div>	<div style="text-align: center; padding: 10px;"> JOINT STATUS REPORT [LBR 7016-1(a)(2)] </div> <div style="padding-top: 10px;"> DATE: 09/06/2023 TIME: 9:000AM COURTROOM: 1575 ADDRESS: 255 E Temple St., Los Angeles, CA 90012 </div>

The parties submit the following JOINT STATUS REPORT in accordance with LBR 7016-1(a)(2):

A. PLEADINGS/SERVICE:

- | | |
|---|---|
| 1. Have all parties been served with the complaint/counterclaim/cross-claim, etc. (Claims Documents)? | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No |
| 2. Have all parties filed and served answers to the Claims Documents? | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No |
| 3. Have all motions addressed to the Claims Documents been resolved? | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No |
| 4. Have counsel met and conferred in compliance with LBR 7026-1? | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No |

This form is mandatory. It has been approved for use in the United States Bankruptcy Court for the Central District of California.

5. If your answer to any of the four preceding questions is anything other than an unqualified "YES," please explain below (*or on attached page*):
PER THE ORDER ON STIPULATION TO EXTEND TIME TO RESPOND TO COMPLAINT [DOC16]
DEFENDANT'S RESPONSE DATE IS 8-22-2023

B. READINESS FOR TRIAL:

1. When will you be ready for trial in this case?
Plaintiff Defendant
UNKNOWN AT THIS POINT IN TIME
2. If your answer to the above is more than 4 months after the summons issued in this case, give reasons for further delay.
Plaintiff Defendant
UNKNOWN AT THIS POINT IN TIME
3. When do you expect to complete your discovery efforts?
Plaintiff Defendant
UNKNOWN AT THIS POINT IN TIME
4. What additional discovery do you require to prepare for trial?
Plaintiff Defendant
DEPOSITIONS, 3RD PARTY SUBPOENAS,
DOCUMENT DEMANDS, INTERROGATORIES, &
RFA'S

C. TRIAL TIME:

1. What is your estimate of the time required to present your side of the case at trial (*including rebuttal stage if applicable*)?
Plaintiff Defendant
UNKNOWN AT THIS POINT IN TIME
2. How many witnesses do you intend to call at trial (*including opposing parties*)?
Plaintiff Defendant
UNKNOWN AT THIS POINT IN TIME

3. How many exhibits do you anticipate using at trial?

Plaintiff

Defendant

UNKNOWN AT THIS POINT IN TIME

D. PRETRIAL CONFERENCE:

A pretrial conference is usually conducted between a week to a month before trial, at which time a pretrial order will be signed by the court. [See LBR 7016-1.] If you believe that a pre-trial conference is not necessary or appropriate in this case, please so note below, stating your reasons:

Plaintiff

Pretrial conference ☒ is ☐ is not requested
Reasons:

Defendant

Pretrial conference ☐ is ☐ is not requested
Reasons:

Plaintiff

Pretrial conference should be set after:
(date) _____

Defendant

Pretrial conference should be set after:
(date) _____

E. SETTLEMENT:

1. What is the status of settlement efforts?

NOTHING

2. Has this dispute been formally mediated? ☐ Yes ☒ No
If so, when?

3. Do you want this matter sent to mediation at this time?

Plaintiff

☒ Yes ☐ No

Defendant

☐ Yes ☐ No

F. FINAL JUDGMENT/ORDER:

Any party who contests the bankruptcy court's authority to enter a final judgment and/or order in this adversary proceeding must raise its objection below. Failure to select either box below may be deemed consent.

Plaintiff

☒ I do consent
☐ I do not consent

to the bankruptcy court's entry of a final judgment
and/or order in this adversary proceeding.

Defendant

☒ I do consent
☐ I do not consent

to the bankruptcy court's entry of a final judgment
and/or order in this adversary proceeding.

G. ADDITIONAL COMMENTS/RECOMMENDATIONS RE TRIAL: (Use additional page if necessary)

PLEASE BE MINDFUL OF PLAINTIFF'S COUNSEL'S OBSERVANCE OF JEWISH HOLIDAYS WHEN
SCHEDULING MATTERS: SEE ATTACHED.

Defendant has filed a Motion to Dismiss Certain Causes of Action which hearing is to be determined.

Respectfully submitted,

Date: 08/02/2023

LAW OFFICE OF BARUCH C. COHEN

Printed name of law firm

/s/ Baruch Cohen

Signature

BARUCH C. COHEN

Printed name

Attorney for: PLAINTIFF DAVID BERGER

Date: 08/21/2023

KOGAN LAW FIRM, APC

Printed name of law firm



Signature

Michael S. Kogan

Printed name

Attorney for: Defendant, Leslie Klein

Law Office of

Baruch C. Cohen, Esq.

A Professional Law Corporation

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Los Angeles, California 90010-3823
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August 2, 2023

To The Honorable Julia Brand
United States Bankruptcy Court
255 E Temple St, Suite 1382 / Courtroom 1375
Los Angeles, CA 90012

Re: **My Unavailability Due to Religious Holidays**

I am an Orthodox Jew, and I observe the Sabbath and all Jewish Holidays. I attended the Rabbinical Seminary of America and was ordained by Yeshiva Torah VeChesed. I have an illustrious family history of Rabbis (son after son) spanning a period of over 500 years, thereafter tracing my family's rabbinic roots to as early as 1070.

Jews have many Jewish Holidays, and a brief description of them follows below.

The Sabbath (also known as "*Shabbos*") is the centerpiece of Jewish life, and has been so since the infancy of our nation. According to the Talmud, Shabbos is equal to all the other commandments. Shabbos is so central to Jewish life that the term "*Shomer Shabbos*" (Sabbath observer) is synonymous with "religious Jew" in common parlance. It is marked by the lighting of Sabbath candles approximately 18 minutes before sunset, however I stop working on Fridays and on the eve of the major Jewish holidays at least 2 hours beforehand.

Since Biblical times the months and years of the Jewish calendar have been established by the cycles of the moon and the sun. The Jewish calendar date begins at sundown of the night beforehand. Thus all major holiday observances begin the night before, as listed below. The exception to this rule is most fast days, which begin at dawn of the date listed (aside for Tisha b'Av and Yom Kippur which also begin the night before). Jewish calendar dates conclude at nightfall.

As a trial attorney, calendaring my observance of major Jewish Holidays is of great importance, and I inform the Courts and opposing counsel of these dates - in advance - so that matters are not scheduled on major Jewish Holidays where work is prohibited by *Halacha* (Jewish Law). As there is a distinction between major and minor Jewish Holidays (ie., when work is prohibited and when work is permitted), I wish to only mark my unavailability of the major Jewish Holidays.¹

¹I also do this because I have (unfortunately) seen attorneys misrepresent Jewish Holidays to the Court, and I never want to be accused of fabricating a Jewish Holiday to get out of appearing at a Court hearing.

The **major** Jewish holidays (when work is prohibited) in order from the start of the Hebrew calendar are: *Rosh Hashanah*, *Yom Kippur*, *Sukkos*, *Shemini Atzeres*, *Simchas Torah*, *Pesach* (*Passover*), *Shavuot*, & *Tisha B'Av*.

1. **Rosh Hashanah:** The Jewish New Year. It is the anniversary of the creation of Adam and Eve, and a day of judgment and coronation of God as king (no work permitted).
2. **Yom Kippur:** The holiest day of the year—the day on which we are closest to G-d and to the quintessence of our own souls. It is the Day of Atonement (no work permitted).
3. **Sukkos:** Commemorating God's sheltering our ancestors as they traveled from Egypt to the Promised Land (no work permitted).
4. **Shemini Atzeres & Simchas Torah:** Simchas Torah celebrates the end and start of the Torah reading cycle. It's combined with Shemini Atzeret for a single day of commemoration in Israel (no work permitted).
5. **Pesach:** Celebrates the deliverance of the Jewish people from slavery in Egypt (no work permitted).
6. **Shavuot:** Marks the giving of the Torah on Mt. Sinai. The Ten Commandments are read in synagogues (no work permitted).
7. **Tisha B'Av:** Commemorates the destruction of the First and Second Temples in Jerusalem. According to tradition, both were destroyed on this date in 587 BCE and 70 CE (work should be avoided if at all possible).

The **minor** Jewish holidays (when work is permitted) in order from the start of the Hebrew calendar are:

1. **Tu B'Shevat:** Celebrates the day that marks the beginning of a “new year” for trees (work permitted).
2. **Chanukah:** Commemorates the rededication of the Temple in Jerusalem after a group of Jewish warriors defeated the occupying mighty Greek armies (work permitted, except Shabbos).
3. **Purim:** Celebrates the deliverance of the Jewish people from the wicked Haman in the days of Queen Esther of Persia (work permitted, but should be avoided if at all possible).
4. **Pesach Sheni:** Celebrates the day prescribed for bringing the Passover sacrifice in the Temple (work permitted).
5. **Lag B'Omer:** Celebrates the anniversary of the passing of the great sage and mystic Rabbi Shimon bar Yochai, author of the Zohar. It also commemorates the end of a plague that raged amongst the Tannaic Sage Rabbi Akiva's thousands of disciples (work permitted).

There are other days in a year when observant Jews fast. Two “Major Fasts” call for a fast from sundown on the day before to sundown on the day itself, and four “Minor Fasts” call for a fast from sunrise to sundown. The Major Fasts are: *Tisha b'Av* & *Yom Kippur* (described above). The

Minor Fasts are: *Ta'anis Esther*, *Taanis Bechorim*, *Tzom Gedaliah*, *Asara b'Teves*, & *the Seventeenth of Tammuz*. Work is not forbidden on these Minor Fasts.

1. **Ta'anis Esther:** Commemorates the Jews being saved from destruction at the hands of the Persian official, Haman, by the heroic efforts of Queen Esther (work permitted).
2. **Taanis Bechorim:** Commemorates the 10th plague when all the first-born sons of the Egyptians were killed while the Israelites were saved (work permitted).
3. **Tzom Gedaliah:** Commemorates the date that Gedaliah ben Achikam, the Babylonian-appointed Jewish governor of Judah, was killed by other Jews (work permitted).
4. **Asara b'Teves:** Commemorates the date that in the year 3336 from Creation (425 BCE), the armies of the Babylonian emperor Nebuchadnezzar laid siege to Jerusalem (work permitted).
5. **The Seventeenth of Tammuz:** Commemorates the day the Romans breached the walls around Jerusalem, which led to the destruction three weeks later of the Second Temple in 70 C.E (work permitted).

Various minor holidays have been added by the State of Israel to commemorate important events related to the Holocaust and the State of Israel. Some of the most important non-religious holidays in Israel include: *Yom HaShoah* (Holocaust Memorial Day), *Yom HaZikaron* (Israeli Memorial Day), *Yom HaAtzmaut* (Israeli Independence Day), *Yom Yerushalayim* (Jerusalem Day), *Yom HaAliyah* (Aliyah Day). Since these dates are not mandated by *Halacha*, work is not prohibited.

I am also a bereaved parent, as our oldest daughter Hindy died from pediatric cancer at the tender age of 17 ½, after a 2½ illness from Ewing's Sarcoma. I mark her *Yahrtzeit* (anniversary of her death) on the Jewish calendar as a personal day of tragedy, where I fast, go the cemetery and pray for family and friends. While work is not forbidden on a *Yahrtzeit*, I try my best to not schedule any matters on that day.

If you have any questions or comments regarding the above, please do not hesitate to call.

Respectfully,

Baruch Cohen

BARUCH C. COHEN

D:\DATA\DOCS\BERGER-2\BCC'S OBSERVANCE OF JEWISH HOLIDAYS 2023 - 2024.wpd
8/2-1:15pm

BCC'S OBSERVANCE OF JEWISH HOLIDAYS <u>2023</u>		
DATE	MAJOR HOLIDAY - WORK FORBIDDEN	MINOR HOLIDAY - WORK PERMITTED
Begins sunset of Friday, September 15, 2023 Ends nightfall of Sunday, September 17, 2023	Rosh Hashanah	
Wednesday, September 28, 2022		Tzom Gedallyah (Fast Day)
Begins sunset of Sunday, September 24, 2023 Ends nightfall of Monday, September 25, 2023	Yom Kippur	
Begins sunset of Friday, September 29, 2023 Ends nightfall of Friday, October 6, 2023	Sukkos (1st 2-days)	
Begins sunset of Friday, October 6, 2023 Ends nightfall of Sunday, October 8, 2023	Shemini Atzeres & Simchas Torah	
Begins sunset of Thursday, December 7, 2023 Ends nightfall of Friday, December 15, 2023		Chanukah
Begins sunrise of Friday, December 22, 2023 Ends nightfall of Friday, December 22, 2023		Fast of Asara b'Teves (Fast Day)

BCC'S OBSERVANCE OF JEWISH HOLIDAYS 2024		
DATE	MAJOR HOLIDAY - WORK FORBIDDEN	MINOR HOLIDAY - WORK PERMITTED
Doesn't occur in 2024		Fast of Asara b'Teves (Fast Day)
Begins sunset Wednesday, January 24, 2024 Ends evening Thursday, January 25, 2024		Tu BeShevat
Begins Sunday evening, March 10, 2024 Ends Monday, March 11, 2024		Hindy's 20th Yahrtzeit 1 Adar II, 5784
Begins sunset of Saturday, March 23, 2024 Ends nightfall of Sunday, March 24, 2024		Purim
Begins sunset of Monday, April 23, 2024 Ends nightfall of Tuesday, April 24, 2024	Pesach -Passover (1st 2-days)	
Begins sunset of Monday, April 29, 2024 Ends nightfall of Tuesday, April 30, 2024	Pesach -Passover (last 2-days)	
Sunday, May 26, 2024		Lag B'Omer
Begins sunset of Tuesday, June 11, 2024 Ends nightfall of Thursday, June 13, 2024	Shavuot	
July 23, 2024		Fast of the 17th of Tammuz (Fast Day)
Begins sunset Monday, August 12, 2024 Ends evening Tuesday, Aug 13, 2024		Fast of Tish'a B'Av (Fast Day)
Begins sunset of Wednesday, October 2, 2024 Ends nightfall of Friday, October 4, 2024	Rosh Hashanah	
October 6, 2024		Tzom Gedallyah (Fast Day)

Begins sunset of Friday, October 11, 2024 Ends nightfall of Saturday, October 12, 2024	Yom Kippur	
Begins sunset of Wednesday, October 16, 2024 Ends nightfall of Wednesday, October 23, 2024	Sukkos (1st 2-days)	
Begins sunset of Wednesday, October 23, 2024 Ends nightfall of Friday, October 25, 2024	Shemini Atzeres & Simchas Torah	
Begins sunset of Wednesday, December 25, 2024 Ends nightfall of Thursday, January 2, 2025		Chanukah

PROOF OF SERVICE OF DOCUMENT

I am over the age of 18 and not a party to this bankruptcy case or adversary proceeding. My business address is:

4929 Wilshire Boulevard, Suite 940, Los Angeles, California 90010.

A true and correct copy of the foregoing document entitled: **JOINT STATUS REPORT** will be served or was served **(a)** on the judge in chambers in the form and manner required by LBR 5005-2(d); and **(b)** in the manner stated below:

1. TO BE SERVED BY THE COURT VIA NOTICE OF ELECTRONIC FILING (NEF): Pursuant to controlling General Orders and LBR, the foregoing document will be served by the court via NEF and hyperlink to the document. On 8/22/2023, I checked the CM/ECF docket for this bankruptcy case or adversary proceeding and determined that the following persons are on the Electronic Mail Notice List to receive NEF transmission at the email addresses stated below:

Michael S Kogan (DF)	mkogan@koganlawfirm.com
Baruch C Cohen (PL)	bcc@BaruchCohenEsq.com, paralegal@baruchcohenesq.com
Michael I. Gottfried (IP)	mgottfried@elkinskalt.com, cavila@elkinskalt.com, lwageman@elkinskalt.com, docketing@elkinskalt.com
Nikko Salvatore Stevens (IP)	nikko@cym.law, mandi@cym.law
Clarisse Young (IP)	youngshumaker@smcounsel.com, levern@smcounsel.com
United States Trustee (LA)	ustpregion16.la.ecf@usdoj.gov

☐ Service information continued on attached page

2. SERVED BY UNITED STATES MAIL: On 8/22/2023, I served the following persons and/or entities at the last known addresses in this bankruptcy case or adversary proceeding by placing a true and correct copy thereof in a sealed envelope in the United States mail, first class, postage prepaid, and addressed as follows. Listing the judge here constitutes a declaration that mailing to the judge will be completed no later than 24 hours after the document is filed.

☐ Service information continued on attached page

3. SERVED BY PERSONAL DELIVERY, OVERNIGHT MAIL, FACSIMILE TRANSMISSION OR EMAIL (state method for each person or entity served): Pursuant to F.R.Civ.P. 5 and/or controlling LBR, on 8/22/2023, I served the following persons and/or entities by personal delivery, overnight mail service, or (for those who consented in writing to such service method), by facsimile transmission and/or email as follows. Listing the judge here constitutes a declaration that personal delivery on, or overnight mail to, the judge will be completed no later than 24 hours after the document is filed.

Hon. Sandra R. Klein, 255 E. Temple Street, Suite 1582, Los Angeles, CA 90012

☐ Service information continued on attached page

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.

8/22/2023
Date

Baruch C. Cohen, Esq.
Printed Name

/s/ Baruch C. Cohen
Signature